

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02
OMB-01 TRSE-00 /078 W
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O 301455Z APR 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC NIACT IMMEDIATE 6030
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 CAPE TOWN 0667

E.O. 11652: GDS
TAGS: PFOR SF US XA
SUBJ: ASSESSMENT OF FIVE POWER/SAG TALKS ON NAMIBIA

REF: CAPE TOWN 0661

1. SUMMARY: CONTACT GROUP MET LAST NIGHT TO DISCUSS
POINTS TO BE INCLUDED IN A JOINT ASSESSMENT OF OUR TALKS
WITH VORSTER, BOTHA AND FOURIE. THIS MORNING (APRIL 30),
WE WORKED THESE INTO A BRIEF PAPER WHICH DISCUSSES WHAT
WE BELIEVE TO BE THE ACHIEVEMENTS AND SHORTCOMINGS OF THE
TALKS. ACHIEVEMENTS CENTER ON SAG AGREEMENT (A) NOT TO
INTRODUCE LEGISLATION TO IMPLEMENT THE DRAFT TURNHALLE
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CONSTITUTION, (B) TO HOLD TERRITORY-WIDE ELECTIONS WITH
DIRECT UN INVOLVEMENT, (C) TO HAVE THOSE ELECTIONS BE
FOR A CONSTITUENT ASSEMBLY, AND (D) TO ALLOW ALL NAMIBIANS,
IRRESPECTIVE OF THEIR POLITICAL VIEWS OR AFFILIATIONS, TO
PARTICIPATE IN THE ELECTIONS. MAIN SHORTCOMING INCLUDE:
A) SAG INTENDS TO SET UP A "CENTRAL ADMINISTRATIVE
ARRANGEMENT" WHICH WILL HAVE SOME OF THE ETHNIC-BASED

ELEMENTS OF TURNHALLE PROPOSALS AND IS LIKELY TO BE COMPOSED LARGELY OF TURNHALLE PERSONALITIES;

B) THE SAG STILL HAS RESERVATIONS ABOUT UN SUPERVISION OF ELECTIONS AND WILL ENDEAVOR TO PUT RESTRAINTS ON THE ROLE OF THE UN;

C) THE POLITICAL PRISONER ISSUE WAS NOT SETTLED;

D) THE ISSUE OF A CESSATION OF APPLICATION OF LAWS AND REGULATIONS WHICH COULD IMPEDE THE POLITICAL PORCESS ALSO WAS NOT RESOLVED.

2. FOLLOWING IS THE TEXT OF THE CG'S JOINT ASSESSMENT:

"THE ACHIEVEMENTS OF THIS FIRST ROUND WERE ENCOURAGING BUT SHOULD NOT BE OVERESTIMATED. THEY CAN BE DESCRIBED AS HAVING EXCEEDED EXPECTATIONS. FOR THE FIRST TIME WE HAVE HAD SERIOUS DISCUSSIONS WITH THE SOUTH AFRICAN GOVERNMENT ON MOST OF THE MAIN CONTROVERSIAL ISSUES ASSOCIATED WITH THE NAMIBIAN QUESTION IN A DIRECT AND FRANK MANNER. THIS WAS DONE IN A GOOD ATMOSPHERE. THERE SEEMED TO BE A NEW WILLINGNESS, AS EXEMPLIFIED BY THE PRIME MINISTER'S DIRECT PARTICIPATION, TO WORK CONSTRUCTIVELY AND RAPIDLY TOWARDS AN INTERNATIONALLY ACCEPTABLE SOLUTION. THE SOUTH AFRICAN GOVERNMENT HAS MADE CONCESSIONS BUT THE FULL DIMENSIONS OF THESE REMAIN TO BE DEFINED. SERIOUS PROBLEMS STILL MUST BE RESOLVED.

ACHIEVEMENTS:

(1) THE FIRST ACHIEVEMENT IS THE READINESS OF THE SOUTH AFRICAN GOVERNMENT TO FOREGO THE FORMAL IMPLEMENTATION, THROUGH PARLIAMENTARY ACTION, OF THE DRAFT TURNHALLE CONFIDENTIAL

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CONSTITUTION, WHICH WOULD HAVE RESULTED IN THE EARLY SETTING UP IN NAMIBIA OF AN INTERIM GOVERNMENT BASED ON THAT DRAFT CONSTITUTION. WHAT IS NOW PROPOSED IS A DIFFERENT APPROACH, AT LEAST IN LEGAL TERMS, WHEREBY A DELEGATION OF POWERS BY THE SOUTH AFRICAN GOVERNMENT WILL ESTABLISH A CENTRAL ADMINISTRATIVE AUTHORITY WHICH WILL REMAIN SUBJECT TO THE ULTIMATE CONTROL OF THE SOUTH AFRICAN GOVERNMENT. IT WAS PRESENTED TO US AS AN ADMINISTRATIVE REARRANGEMENT NECESSARY FOR THE UNITY OF THE TERRITORY AND THE PREPARATION OF ELECTIONS.

(2) THE SOUTH AFRICAN GOVERNMENT IS NOW PREPARED TO COMMIT ITSELF TO THE HOLDING OF TERRITORY-WIDE ELECTIONS WITH THE DIRECT INVOLVEMENT OF THE UNITED NATIONS, SUBJECT TO A SATISFACTORY FORM FOR THAT INVOLVEMENT BEING WORKED OUT WITH THEM.

(3) PREVIOUSLY ELECTIONS HAD BEEN ENVISAGED WITHIN THE CONFINES OF THE TURNHALLE DRAFT CONSTITUTION. NOW SUCH ELECTIONS WILL BE HELD TO ESTABLISH A CONSTITUENT ASSEMBLY WHOSE TASK IT WILL BE TO DECIDE UPON A CON-

STITUTION FOR NAMIBIA WHICH WILL NOT NECESSARILY BE THE
TURNHALLE DRAFT.

(4) PARTICIPATION IN THIS POLITICAL PROCESS WOULD BE
GUARANTEED TO ALL NAMIBIANS IRRESPECTIVE OF THEIR POLITICAL
VIEWS OR AFFILIATIONS AND THUS IMPLICITLY TO SWAPO, BE
THEY AT PRESENT INSIDE OR OUTSIDE NAMIBIA, SO LONG AS
THEY WOULD BE PREPARED TO PARTICIPATE IN A PEACEFUL
MANNER. FREEDOMS OF SPEECH, PRESS AND ASSEMBLY WOULD
ALSO BE GUARANTEED.

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C O N F I D E N T I A L SECTION 2 OF 2 CAPE TOWN 0667

SHORTCOMINGS:

(1) THE PRECISE NATURE OF THE PROPOSED NEW CENTRAL ADMIN-
ISTRATIVE AUTHORITY IS STILL UNCLEAR. HOWEVER, FROM THE
SCARCE INFORMATION AVAILABLE IT APPEARS THAT THE NEW
AUTHORITY WILL RETAIN SOME OF THE CONTROVERSIAL ETHNIC
FEATURES OF THE PREVIOUSLY PROPOSED TURNHALLE MINISTER'S
COUNCIL, AND IS LIKELY TO BE LARGELY COMPOSED OF TURNHALLE
PERSONALITIES. THE CENTRAL ADMINISTRATIVE AUTHORITY WILL
PLAY A KEY ROLE IN THE ELECTORAL PROCESS. TO THE EXTENT

THAT ITS COMPOSITION REFLECTS THE ETHNIC BIAS OF TURNHALLE
IT WILL BE IN A POSITION TO IMPOSE AN ETHNIC STURCTURE ON
THE ELECTIONS. THAT, PLUS THE FACT THAT OTHER PARTIES
WILL NOT BE INCLUDED IN IT, WILL HAVE CONSEQUENCES FOR
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THE PARTICIPATION OF SWAPO.

(2) SIMILARLY, THE ESTABLISHMENT OF NEW REGIONAL ADMIN-
ISTRATIONS COULD BE REPRESENTED AS AN EXTENSION OF
"BANTUSTANIZATION", OR AS A ROUNDABOUT WAY TO COMPLETE
THE SECOND TIER OF THE TURNHALLE SYSTEM. ONLY AN EQUIVA-
LENT OF THE PROPOSED NATIONAL ASSEMBLY IS MISSING.

(3) THE FORM OF UN INVOLVEMENT REMAINS A DIFFICULT ISSUE.
APPROPRIATE PRACTICAL ARRANGEMENTS MIGHT BE REACHED, BUT
THE SAG ADAMANTLY OBJECTS TO ANY TERMINOLOGY THAT IMPLIES
EXECUTIVE ACTION BY THE UN. THUS THE WORDS "SUPERVISION
AND CONTROL" ARE TOTALLY UNACCEPTABLE, AND SO IS THE
EXPRESSION "ELECTIONS COMMISSIONER". THE POSSIBLE APPROACH
PRESENTED BY THE FIVE TO THE SOUTH AFRICAN GOVERNMENT BY
WAY OF ILLUSTRATION, WHILE WELL-RECEIVED, APPEARED TO BE
THE MOST THAT COULD BE CONCEDED BY THEM. IT WAS ALSO
OBVIOUS THAT THE INDIVIDUALS CHOSEN AS "UNITED NATIONS
SPECIAL REPRESENTATIVE" AND "PRESIDENT OF THE COMMISSION
OF JURISTS" WOULD HAVE TO MEET THE SOUTH AFRICANS'
REQUIREMENTS OF FAIRNESS AND IMPARTIALITY.

(4) ON THE QUESTION OF THE RELEASE OF NAMIBIAN POLITICAL
PRISONERS, THE SOUTH AFRICAN GOVERNMENT MAINTAINED THAT
ALL "PERSONS WHO HAVE BEEN PROPERLY SENTENCED BY THE COURTS
FOR CRIMINAL OFFENCES" SHOULD BE EXCLUDED. A SOLUTION TO
THIS PORBLEM IS GOING TO BE EXTREMELY DIFFICULT. THE
SCOPE OF THIS CAVEAT REMAINS UNCLEAR PENDING THE COMPILA-
TION OF MORE DETAILED INFORMATION ABOUT THE NUMBERS AND
CASES INVOLVED. THE QUESTION OF THE NAMIBIAN POLITICAL
PRISONERS REPORTEDLY DETAINED IN COUNTRIES OTHER THAN
SOUTH AFRICA AND NAMIBIA HAS BEEN RAISED BY THE SOUTH
AFRICAN GOVERNMENT.

(5) AS REGARDS THE CESSATION OF THE APPLICATION OF ALL
LEGISLATION AND REGULATIONS THAT MIGHT IMPEDE THE FULL
PARTICIPATION OF ALL NAMIBIANS IN THE POLITICAL PROCESS,
THE FIVE OBTAINED ONLY A QUALIFIED ANSWER. THE SAG
SUGGESTED THAT THE MATTER COULD BE RESOLVED THROUGH THE
ELABORATION OF APPROPRIATE ELECTORAL LEGISLATION WHICH
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WOULD PROVIDE ALL NECESSARY GUARANTEES. THE QUESTION
REMAINS AS TO WHETHER SUCH LEGISLATION COULD SUPERCEDE

ALL EXISTING DISCRIMINATORY RULES.

OTHER DIFFICULTIES:

THE SOUTH AFRICAN GOVERNMENT STATED THAT IT IS NOT PREPARED
TO WITHDRAW FROM NAMIBIA AND AT THE SAME TIME ACCEPT THE
CONTINUATION OF ITS FINANCIAL AND ADMINISTRATIVE "BURDENS"
IN THAT TERRITORY. THEY WENT SO FAR AS TO SUGGEST A
RHODESIA-TYPE OF INTERNATIONAL FUND TO FACILITATE THEIR
DEPARTURE."BOWDLER

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Message Attributes

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